

Brian Sandoval, Governor



Seung B. Park, O.M.D., *President*
Vince Link., O.M.D., *Vice President*
Olivia Rhee, O.M.D., *Secretary-Treasurer*
Fely Quitevis., *Member*
Abraham Jim Nagy, M.D., *Member*
Merle Lok, *Executive Director*

STATE OF NEVADA
BOARD OF ORIENTAL MEDICINE

*****PUBLIC NOTICE*****
REGULAR BOARD MEETING
May 26, 2016 @ 6:30 PM

AT THE FOLLOWING LOCATION:

Grant Sawyer Building, Office of the Attorney General, 555 East Washington Ave., Room #3018 - Las Vegas, NV 89101.

*****MINUTES*****

1. CALL TO ORDER (Discussion/For Possible Action) Seung B Park, OMD, President

Roll call to determine presence of a quorum, at 6:30 pm

Board Members Present:

Dr. Seung B Park, OMD
Dr. Vince Link, OMD
Dr. Olivia Rhee, OMD (Via Phone)

Board Staff:

Sophia Long, Board Counsel, DAG
Bret Meich, Independent Counsel
Merle Lok, Executive Director

Public:

In person:

Brett Kandt AG Office
Jason Harris
Daniel Davies
Sae Lee
Lisa Mathews
Yeaji Suh
Huiwen Zhang
Paul Larsen
Chow Chia Hua Linda
Sharon Roth

Via telephone:

Farolyn McSweeney

2. PUBLIC COMMENT

None

3. ***Adoption of Agenda (For Possible Action).***
Motion: Dr. Park motioned to adopt the agenda
Second: Dr. Link
Action: Motion carried unanimously
4. ***Approve or disapprove of February 11, 2016 Minutes (For Possible Action).***
Motion: Dr. Park motioned to adopt the minutes
Second: Dr. Link
Action: Motion carried unanimously
5. ***AG investigator's report to the Board regarding the criminal investigation case of the former Board's Executive Director and request for any necessary Board action (For Possible Action).***
Jason Harris from the AG's Office updated the Board regarding his investigation. He is waiting for information from prior Board members regarding any written or verbal agreements about the former ED's monthly salary pay, storage fees, how she would be paid, and was she authorized to withdraw funds and anticipates that his investigation would be completed in a few weeks.
6. ***Discussion and deliberation regarding request for Legislative Counsel Bureau's response to proposed regulations for the purpose of correcting any potential inconsistency with NRS Chapter 634A (For Possible Action).***
Motion: Dr. Park motioned for Bret Meich or the ED to ask the LCB about any issues regarding the proposed regulation.
Second: Dr. Link
Action: Motion carried unanimously
7. ***Discussion and deliberation regarding preparation and submission of bill draft request for the Legislature's consideration during the 2017 Session regarding changes to Nevada law to explicitly include the acupuncture practice of dry needling within the scope of acupuncture by referencing the term "dry needling" in NRS 634A.020(1) (For Possible Action).***
Motion: Dr. Park motioned for Bret Meich to submit a BDR to include the practice of "dry needling" within the scope of acupuncture.
Second: Dr. Link
Action: Motion carried unanimously
8. ***Approve or disapprove of the CEU titled Oriental Medical Conference 2016/East meet West for 10 credits provided by Nevada Society of Oriental Medicine presented on 4/23-4/24/2016 at the Canyon Gate Country Club in Las Vegas, NV (For Possible Action)***
Motion: Dr. Link motioned to approve
Second: Dr. Park
Action: Motion carried unanimously
9. ***Approve or disapprove of Dr. Michael Kerrigan's CEU titled Master Tung's Acupuncture: Top 20 Points for Immediate Result for 8 credits provided by Lotus Institute of Integrative Medicine presented online on 2/20/16 (For Possible Action).***
Motion: Dr. Link motioned to approve
Second: Dr. Park
Action: Motion carried unanimously

- 10. Approve or disapprove of the CEU titled Colitis, Crohn's Disease, Chronic Appendicitis for 9 credits provided online by Healthcare Medicine Institute (For Possible Action).**

Motion: Dr. Park motioned to approve

Second: Dr. Link

Action: Motion carried unanimously

- 11. Approve or disapprove of the licensure exam to be held on June 25, 2016 to be administered by Dr. Sandip Thanki at 4350 E. Sunset Road, Ste 107A, Henderson, NV 89014 at the rate of \$30 per hour (For Possible Action).**

Motion: Dr. Park motioned to approve

Second: Dr. Link

Action: Motion carried unanimously

- 12. Discussion regarding the preparation of the June 2016 examination and the pay rate of \$20 per hour for the preparation of the exam (For Possible Action).**

Motion: Dr. Park motioned to approve Dr. Sae Lee to prepare the June 2016 examination from prior exam questions at the rate of \$20 per hour

Second: Dr. Link

Action: Motion carried unanimously

- 13. Approve or disapprove of Cyril Van Harding's request to postpone his application to the exam date in December 2016 (For Possible Action).**

Motion: Dr. Park motioned to approve

Second: Dr. Link

Action: Motion carried unanimously

- 14. Approve or disapprove of Faith Noborikawa's application and for said applicant to take the licensing exam in June 2016 (For Possible Action).**

Dr. Park stated that this applicant completed both her Bachelors and Master's Degrees in 3 years and 6 months. Dr. Park needed more information about the applicant's curriculum and tabled this item.

- 15. Approve or disapprove of Susan Rosenberger's application and for said applicant to take the licensing exam in June 2016 (For Possible Action).**

Motion: Dr. Park motioned to approve

Second: Dr. Link

Action: Motion carried unanimously

- 16. Approve or disapprove of Chad Bachman re-taking the licensing exam in June 2016 (For Possible Action).**

Motion: Dr. Park motioned to approve

Second: Dr. Link

Action: Motion carried unanimously

- 17. Discussion regarding Attorney General's letter regarding joint representation with independent counsel (For Possible Action).**

Brett Kandt discussed there are statutory responsibilities from the AG's Office and the AG's Office also is available to assist as needed. Mr. Kandt wanted to remind the Board that the AG's Office is available to render opinions; the Board is to notify the AG's Office when it is served with legal papers; if the Board has to attend a judicial hearing,

the Board needs the AG to be present; and all contracts need to be reviewed by the AG's Office.

18. For Discussion Purposes Only-Discussion regarding the Attorney General's response to the Board's request for a dry needling opinion.

Brett Kandt advised that this item should not be discussed due to attorney-client privilege.

19. Discussion and deliberation regarding 1) issuance and service of cease and desist letters to person(s) engaging in the practice of Oriental medicine without a license by inserting needles into the human body by piercing the skin of the body, whether such practice is called acupuncture, dry needling, or another term of art; 2) issuance and service of citation(s) to person(s) engaging in the practice of Oriental medicine without a license by inserting needles into the human body by piercing the skin of the body, whether such practice is called acupuncture, dry needling, or another term of art; 3) assessment of an administrative fine(s) of not more than \$2,500 as provided in NRS 634A.250 to person(s) engaging in the practice of Oriental medicine without a license by inserting needles into the human body by piercing the skin of the body, whether such practice is called acupuncture, dry needling, or another term of art; or 4) imposition of any combination of the aforementioned penalties (For Possible Action).

Bret Meich stated that these are some options for the Board to consider against person(s) who are practicing dry needling and are not licensed by this Board. Mr. Meich stated that in his legal opinion, it is permissible for the Board to take action.

Motion: Dr. Park motioned to approve for Mr. Meich to issue and serve cease and desist letters to person(s) engage in dry needling

Second: Dr. Link

Action: Motion carried unanimously

20. For Discussion Purposes Only —Discussion whether to authorize and maintain in any court of competent jurisdiction a suit(s) for an injunction against any person engaging in the practice of Oriental medicine without a license by inserting needles into the human body by piercing the skin of the body, whether such practice is called acupuncture, dry needling, or another term of art.

Dr. Park stated that the Board will start with the cease and desist letter and then take more action as warranted. Bret Meich discussed the judicial injunctive process.

21. Discussion and deliberation to initiate removal of Board approval of Wongu University of Oriental Medicine if its curriculum and required fee(s) are not provided to the Board within 45 days of written notice (For Possible Action)

Paul Larsen disputed Wongu having to pay the \$5000 each year as there is no change to the curriculum. Dr. Park stated the \$5000 annual fee is required by regulation.

Motion: Dr. Park motioned to approve that Bret Meich write to Mr. Larsen and to act on this item

Second: Dr. Link

Action: Motion carried unanimously

22. Discussion and deliberation to direct the Board's executive director to solicit applications for the Board's consideration at its next meeting for the retention of consultants to review and evaluate any curriculum that may be submitted by a school

or university of Oriental medicine for the Board's approval and to make recommendations to the Board on the merits of such curriculum. (For Possible Action)

Motion: Dr. Park motioned to approve

Second: Dr. Link

Action: Motion carried unanimously

23. *Public Comment (Discussion Only).*

Paul Larsen: He is submitting the letter from Wongu as public record. Per the Board in 2012, Wongu is to maintain ACCAOM standards and to advise the Board and ACCAOM of any substantial changes to its curriculum. There has been no changes, and so there is no need for a regulatory review and no need for a fee. Wongu has paid \$5000 in 2016 in good faith. Wongu will pay 2014 and 2015, under protest, in return that this Board make a specific finding that the fees for 2014 and 2015 are not taxes but are fees despite there are no regulatory activity. Wongu will seek judicial review for the Board's actions.

Sharon Roth: She was wondering if there is a form for Wongu to complete each year like other licensees.

Sae Lee: Faith Noborikawa's application should be approved and/reconsidered. Previous similar applicants have been approved by the Board.

Yeaji Suh: Bastyr School has regional accreditation and would not do anything to jeopardize it.

Daniel Davies: Who was designated in 2014 and 2015 to review Wongu's curriculum? What are the criteria for the curriculum reviewers? Are they ACCAOM certified? If so, Wongu is already reviewed by ACCAOM and is meeting ACCAOM standards.

24. *Adjournment*

Motion: Dr. Park motioned to adjourn.

Second: Dr. Rhee

Action: Motion carried unanimously - Adjourned

Meeting Minutes will be approved at a future Board Meeting.